

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

SHARON M. THOUROUT, : CIVIL ACTION NO. 3:14-1779  
: Plaintiff, :  
: v. : (MANNION, D.J.)  
: (SAPORITO, M.J.)  
MONROE CAREER & TECHNICAL :  
INSTITUTE, THOMAS J. :  
RUSHTON, and TANYA :  
CARMELLA-BEERS, :  
Defendants :  
:

**O R D E R**

In accordance with the memorandum issued this same day, and upon consideration of the defendants' motion to dismiss, (Doc. [32](#)), the report and recommendation of Magistrate Judge Joseph F. Saporito, Jr., (Doc. [37](#)), the plaintiff's objections, (Doc. [38](#)), and the defendants brief in opposition, (Doc. [41](#)), **IT IS HEREBY ORDERED THAT** the report and recommendation of Judge Saporito is **ADOPTED IN ITS ENTIRETY**.

**IT IS FURTHER ORDERED THAT** the defendants' motion to dismiss, is **GRANTED IN PART** and **DENIED IN PART** as follows:

- (1) The defendants' motion is **DENIED** with respect to the plaintiff's purported failure to comply with procedures set by this court's October 13, 2015 Order, (Doc. [28](#));

- (2) The defendants' motion is **DENIED** with respect to all claims asserted against defendant Monroe Career & Technical Institute;
- (3) The defendants' motion is **GRANTED** with respect to all claims against defendants Thomas J. Rushton and Tanya Carmella-Beers acting in their official capacities;
- (4) All claims against defendants Thomas J. Rushton and Tanya Carmella-Beers are **DISMISSED WITH PREJUDICE**; and
- (5) The Clerk of Court is directed to remand this case to Judge Saporito for further proceedings, including resolution of the plaintiff's September 30, 2016 request to the court, (Doc. [40](#)), which the court construes as a motion to strike pursuant to Federal Rule of Civil Procedure 12(f).

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**Dated: October 17, 2016**

O:\Mannion\shared\MEMORANDA - DJCIVIL MEMORANDA\2014 MEMORANDA\14-1779-02-Order.wpd